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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

RESEARCH IN MOTION LIMITED

Plaintiff,

-against-

MOFTWARE LLC, AMZER, PINAKIN  
DINESH, JOHN DOES 1-50; and XYZ  
BUSINESSES,

*Defendant.*

CIVIL ACTION NO. \_\_\_\_\_

DECLARATION OF  
MARK N. MUTTERPERL

FILED UNDER SEAL

# DECLARATION OF MARK N. MUTTERPERL

I, MARK N. MUTTERPERL, declare as follows, under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am a partner of Fulbright & Jaworski L.L.P. and am counsel for plaintiff Research in Motion Limited (“RIM”) in the captioned action.

2. This action seeks injunctive and other relief under various provisions of the Lanham Act, New York state statutes, and the common law, requiring defendants to, among other things, cease selling, offering for sale, and distributing hazardous counterfeit RIM BLACKBERRY batteries. Absent the immediate relief that RIM is seeking, (i) more counterfeit

products are likely to be distributed to consumers, and (ii) important evidence concerning the manufacture, sale and distribution of counterfeit RIM BLACKBERRY batteries may be destroyed.

3. This declaration and the other documents filed in support of RIM's *ex parte* motion have been kept confidential and will be filed under seal.

4. No previous application for this or any similar form of relief has been made.

5. I received from RIM's investigator, Joseph Aglione, batteries purporting to be "Blackberry 8800" batteries.

6. We, in turn, forwarded the foregoing batteries to RIM.

Executed on April 1, 2008

  
Mark N. Mutterperl